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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Reginald Lee Malone, ) No. CV 01-2099 PHX NVW (JI)

10 Petitioner, )

**ORDER**

11 v. )

12 Terry Stewart, et al., )

13 Respondents. )  
14 )  
15 )  
16

17 Pending before the court is petitioner's First Amended Petition for Writ of Habeas  
18 Corpus filed pursuant to 28 U.S.C. § 2254 (doc. #56) and respondents' Answer (doc. #58),  
19 incorporating by reference Exhibits A to O attached to their response (doc. #8) to the original  
20 petition. No reply was filed.

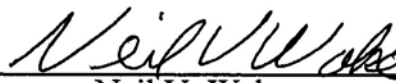
21 Also before the court is the Report and Recommendation ("R&R") of Magistrate  
22 Judge Jay R. Irwin (doc. #60). The R&R recommends that the court deny petitioner's First  
23 Amended Petition for Writ of Habeas Corpus. The parties did not file objections, which  
24 relieves the court of its obligation to review any of the magistrate judge's determinations in  
25 the R&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*,  
26 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985) ("[Section  
27 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an  
28 objection."). The court has nonetheless reviewed the R&R and finds that it is well taken.

1 The court will accept the R&R and deny the First Amended Petition for Writ of Habeas  
2 Corpus. *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or  
3 modify, in whole or in part, the findings or recommendations made by the magistrate”).

4 **IT IS THEREFORE ORDERED** that Report and Recommendation of Magistrate  
5 Judge Jay R. Irwin (doc. #60) is **accepted**.

6 **IT IS FURTHER ORDERED** that petitioner's First Amended Petition for Writ of  
7 Habeas Corpus pursuant to 28 U.S.C. § 2254 (doc. #56) is **denied and dismissed without**  
8 **prejudice**. The clerk is directed to terminate this case.

9 DATED this 27<sup>th</sup> day of October, 2005.

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Neil V. Wake  
United States District Judge  
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